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SSCI ADPOLC 76-3749
22 December 1976

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MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with William Miller, Staff Director, Senate
Select Committee on Intelligence - 22 December 1976

1. I met with Bill Miller, Staff Director, Senate Select Committee on Intelligence, to brief him on the situation with respect to a SIGINT agreement which the Department of State has determined should be reported to the Congress under the provisions of the so-called Case Act (P.L. 92-403). Elliot Maxwell, also of the Committee staff, sat in on the session.

2. I filled the staffers in on the background relating to this matter, including the Director's decision that in view of the positions taken by State, Justice and the White House, that the agreement should be reported. Miller mentioned that he had been directly involved in the development of the Case Act legislation and on the basis of his knowledge of the various SIGINT agreements, agreed with State's position. He feels that the agreement should be reported to the Senate Foreign Relations Committee but is agreeable to considering the possibility of making this report through the Senate Select Committee. (Senator Case, who sponsored the legislation, is a member of the Select Committee as well as the Ranking Minority member of the Senate Foreign Relations Committee.) He suggested that Mr. Tony Lapham, General Counsel, and I join him in meeting with Senator Case after the holidays to discuss this matter with him. He feels confident that the matter can be handled without difficulty.

3. I also raised with Miller the questions which we had hoped to discuss with him yesterday regarding proposed Select Committee procedures for handling the intelligence budget authorization. Miller made it clear that no final decision has been made on the matter but

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indicated that the current thinking is that the Committee will report a budget authorization (in a bill or joint resolution) which will contain a total budget figure for all intelligence costs, including intelligence related activities. Miller said he thought that reporting a gross figure such as this would minimize the impact of any security arguments against disclosure and would follow the feeling which most members have that there is a constitutional requirement for the publication of this figure. He does not rule out the possibility, however, that the Committee would decide to file a report with no specific figure included.

4. We speculated on various aspects of this matter, including possible positions which the new Administration will take on this issue. It is Miller's view that while the Committees having sequential jurisdiction could ask to have the authorization referred to them, he doubts they will take such action. I asked Miller what he thought of the possibility of having to proceed under the disclosure provision of Section 8 of S. Res. 400 in the event the President takes a firm position against the disclosure of any intelligence budget figure. He said he doubted that the Committee would press the matter that far if the President should take such a position.

5. Miller mentioned that he would be leaving town today to spend the holidays in New England.

[Redacted Signature]

GEORGE L. CARY
Legislative Counsel

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